

Message Text

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44

ACTION EUR-12

INFO OCT-01 ISO-00 IO-10 CIAE-00 PM-03 H-02 INR-07 L-02

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R 311530Z MAR 75

FM AMEMBASSY NICOSIA

TO SECSTATE WASHDC 1430

INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY LONDON

USMISSION USNATO

USMISSION USUN

USMISSION EC BRUSSELS

USDOCOSOUTH

USCINCEUR

DIA WASHDC

C O N F I D E N T I A L NICOSIA 1184

E. O. 11652: GDS

TAGS: PINT PFOR PGOV CY TU

SUBJECT: TURKISH FEDERATED STATE OF CYPRUS (TFSC) CONSTITUTION

REF: NICOSIA 1142

1. SUMMARY: DRAFT TURK CYPRIOT CONSTITUTION PROVIDES ALL ORGANS OF INDEPENDENT STATE. SYSTEM OUTLINED APPEARS SIMILAR TO FRENCH, WITH STRONG PRESIDENT ASSISTED BY PRIME MINISTER AND COUNCIL OF MINISTERS. PRESIDENTIAL TERM SET AT SEVEN YEARS; LEGISLATIVE TERM TO RUN FIVE. ONLY SOP TO GREEK CYPRIOTS IS ADMISSION THAT TURKISH FEDERATED STATE OF CYPRUS (TFSC) CONSTITUTION MAY BE AMENDED "WHEN THE CONSTITUTION OF THE FEDERAL REPUBLIC OF CYPRUS IS PUT INTO FORCE." PROCESS OF IMPLEMENTING CONSTITUTION, INCLUDING PRESIDENTIAL AND LEGISLATIVE ELECTIONS, IS SET AT MAXIMUM OF SIX MONTHS
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BUT THIS CAN BE DELAYED IF "EXTRAORDINARY SITUATION

EXISTS." END SUMMARY.

2. TURK CYPRIOT LEADER DENKTASH'S NEWSPAPER ZAMIN ON MARCH 28 PUBLISHED WHAT PURPORTS TO BE AN ACCURATE VERSION OF THE DRAFT CONSTITUTION SUBMITTED TO THE TFSC CONSTITUENT ASSEMBLY. CONSTITUTION CONTAINS 39 ARTICLES PROVIDING FOR CREATION OF EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF GOVERNMENT.

3. STATE TO BE HEADED BY PRESIDENT ELECTED FOR SEVEN YEARS WITH NO SPECIFIC LIMITATION ON NUMBER OF TERMS PRESIDENT MAY SERVE. PRESIDENT WILL CHOOSE PRIME MINISTER FROM AMONG 30 ELECTED MEMBERS OF LEGISLATURE AND PRIME MINISTER WILL SELECT OWN CABINET (NUMBER UNSPECIFIED). CABINET MINISTERS WILL BE DRAWN FROM BOTH WITHIN AND WITHOUT THE LEGISLATURE.

4. PRESIDENT WILL HAVE RIGHT TO VETO LEGISLATION BUT THIS CAN BE OVERRIDDEN BY TWO THIRDS VOTE IN PARLIAMENT. PRESIDENT ALSO GIVEN RIGHT DISMISS LEGALATURE AND CALL NEW ELECTIONS IF IMPASSE DEVELOPS BETWEEN TWO BRANCHES OF GOVERNMENT.

5. BY IMPLICATION, TFSC IS GIVEN RIGHT MAINTAIN OWN MILITARY ORGANIZATION SINCE PRESIDENT IS SPECIFICALLY DESIGNATED AS HEAD OF SECURITY FORCES. ALSO, "NATIONAL SERVICE" IS DESCRIBED AS DUTY OF ALL CITIZENS.

6. CONSTITUTION PROVIDES THAT RFSC HAS EXPLICIT RIGHT TO RECEIVE DIRECT DOREIGN ASSISTANCE FROM THIRD COUNTRIES AND INTERNATIONAL ORGANIZATIONS. WHILE NO PROVISION MADE FOR DEPARATE FOREIGN MINISTRY, THIS PROVISION WOULD APPEAR INDICATE THAT TFSC INTENDS CONDUCT ITS OWN RELATIONS WITH OUTSIDE WORLD.

7. OATH OF OFFICE FOR BOTH PRESIDENT AND MEMBERS OF LEGISLATURE INCLUDES PHRASE THAT OFFICIALS WILL "PROTECT THE INTEGRITY OF THE TURKISH FEDERATED STATE OF CYPRUS...." THIS CHOICE OF WORDS MAY PORTEND INTRANSIGENCE ON TERRITORIAL CONCESSIONS IN NEGOTIATING WITH GREEK CYPRIOTS.
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CONSTITUTION DOES NOT DELINEATE GEOGRAPHICAL EXTENT OF TFSC.

8. ONLY OVERT CONCESSION TO GREEK CYPRIOTS CONTAINED IN DOCUMENT IS STATEMENT THAT CONSTITUTION CAN BE AMENDED WEH "CONSTITUTION OF THE FEDERAL REPUBLIC OF CYPRUS IS PUT INTO FORCE." ALSO, UNSPECIFIED SECTIONS OF 1960 CONSTITUTION (TOGETHER WITH TURK CYPRIOT LEGISLATION

PASSED SINCE 1963) ARE TO REMAIN IN FORCE UNLESS THEY
ARE FOUND CONTRARY TO NEW TFSC CONSTITUTION.

9. REFERENDUM ON CONSTITUTION WILL COME TWO WEEKS AFTER
IT APPROVED BY CONSTITUENT ASSEMBLY AND PUBLISHED IN
OFFICIAL GAZETTE. ELECTIONS FOR PRESIDENT OF TFSC AND
LEGISLATURE WILL FOLLOW AND THESE MUST BE COMPLETED
WITHIN SIX-MONTH PERIOD "UNLESS AN EXTRAORDINARY
SITUATION EXISTS." PHRASE IS NOT FURTHER DEFINED.

10. COMMENT: EMBASSY TURKISH CYPRIOT CONTACTS EXPECT ELECTIONS
TO TAKE PLACE WITHIN NEXT FEW MONTHS UNLESS THERE UN-
EXPECTED BREAKTHROUGH IN INTERCOMMUNAL NEGOTIATIONS.
CONSTITUTION IS DELIBERATELY VAGUE ON TFSC POWERS BUT
IT SIGNIFICANT THAT NO REPEAT NOT SPECIFIC AUTHORITY IS
RESERVED FOR CENTRAL GOVERNMENT. AS CONSTITUTION FLESHED
OUT WITH LEGISLATION, AND ACTIVITIES OF VARIOUS MINISTRIES
DELINEATED, IT WILL BE CLEAR THAT IN ALL BUT NAME, TFSC
INTENDS FUNCTION AS INDEPENDENT STATE -- UNDER MAINLAND
TURKISH SUZERAINITY. WITH CONSTITUTION IN HAND, SHOULD
NEGOTIATIONS STALL, OR SHOULD TURKS AND TURK CYPRIOTS CONCLUDE
THEY NOT RECEIVING ENOUGH INTERNATIONAL RECOGNITION, LITTLE
MORE THAN SIMPLE DECLARATION WOULD BE REQUIRED TO ESTABLISH
FULLY INDEPENDENT STATE IN NORTHERN CYPRUS. END COMMENT.
CRAWFORD

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